EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION and GENEVANT SCIENCES GmbH, Plaintiffs, v. MODERNA, INC. and MODERNATX, INC., Defendants.	C.A. No. 22-252 (MSG) **HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY**[1]
MODERNA, INC. and MODERNATX, INC., Counterclaim-Plaintiffs, v. ARBUTUS BIOPHARMA CORPORATION and GENEVANT SCIENCES GmbH, Counterclaim-Defendants.	

DEFENDANTS' FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFFS' SECOND SET OF INTERROGATORIES (NO. 11)

Pursuant to Fed. R. Civ. P. 33, Defendants Moderna, Inc. and ModernaTX Inc. (collectively, "Moderna" or "Defendants") provide their First Supplemental Objections and Responses to Plaintiffs Arbutus Biopharma Corporation ("Arbutus") and Genevant Sciences GmbH's ("Genevant," collectively "Plaintiffs") Second Set of Interrogatories (No. 11).

[1] This document contains information designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY. Pursuant to the parties' agreement, pending entry of the Protective Order, this information is subject to D. Del. L.R. 26.2 and the parties' agreed-upon interim prosecution bar. *See* February 10, 2023 Production Correspondence.

GENERAL OBJECTIONS & DEFINITIONS

Moderna incorporates by reference the General Objections provided in Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories, served March 20, 2023. These general responses and objections apply to the response to Plaintiffs' Interrogatory, as if fully set forth therein. The failure to repeat any of the General Objections in the specific responses below shall not be deemed a waiver of such objection or limitation.

Moderna incorporates by reference the Definitions provided in Defendants' Objections and Responses to Plaintiffs' First Set of Requests for Production, served February 2, 2023, and in Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories, served March 20, 2023. These definitions form a part of, and are hereby incorporated into, the response to the Interrogatory set forth below.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 11:

Identify all final and intermediate batches and/or lots of the Accused Product by all batch numbers and/or lot numbers, including any batch and/or lot numbers used or assigned by Moderna or any third party, including:

(1) all batches and/or lots of mRNA-1273 Drug Product and any supplemental or booster COVID-19 mRNA vaccine product thereof, including any batches and/or lots of mRNA-1273.214 and mRNA-1273.222;

(2) all batches and/or lots of mRNA-1273 Lipid Nanoparticle ("LNP"), including all batches and/or lots of mRNA-1273 LNP-B, mRNA-1273.529 LNP, and mRNA-1273.045 LNP;

(3) all batches and/or lots of [redacted];

(4) all batches and/or lots of SM-102, DSPC, Cholesterol, and PEG2000-DMG; and

(5) all batches and/or lots of mRNA, including all batches and/or lots of CX-024414, CX-034476, and CX-031302,

and for each batch and/or lot:

describe in detail the genealogy of the batch and/or lot, including the source and disposition of the batch and/or lot, including: the batches of SM-102, DSPC, Cholesterol, and PEG2000-DMG used to manufacture each batch of [redacted] and/or mRNA-1273 LNP; the batches of mRNA and batches of [redacted] used to manufacture each batch of mRNA-1273 LNP; the batches of mRNA-1273 LNP used to manufacture each batch of mRNA-1273 Drug Product and/or other final drug product; the parties to whom or by whom the batch and/or lot was manufactured, sold, offered for sale, distributed, transferred, shipped, administered and/or used; where that manufacturing, sale, offer for sale, distribution, transfer, shipment, administration and/or use occurred; and the dates on which that manufacturing, sale, offer for sale, distribution, transfer, shipment, administration and/or use occurred; and

identify the unit sales, revenues, gross profit, net profit, average unit sales price to end users, average unit sales price to distributors (if any), list price to end users, list price to distributors (if any), cost of goods sold (including identification of the items included in cost of goods sold), and operating costs (*i.e.*, other costs not included in cost of goods sold, such as selling, general, and administrative expenses) associated with the batch and/or lot.

RESPONSE TO INTERROGATORY NO. 11:

Moderna objects to this Interrogatory as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional

to the needs of this Action, at least with respect to the "source" of any material, [redacted] "all batches and/or lots of SM-102, DSPC, Cholesterol, and PEG2000-DMG," and "all batches and/or lots of mRNA, including all batches and/or lots of CX-024414, CX-034476, and CX-031302." Plaintiffs have not established why the identity of starting materials and/or intermediates (other than four-component LNPs with nucleic acids) used by Moderna in the manufacturing of its COVID-19 vaccine is relevant to any claim or defense asserted in this Action, or to the Asserted Claims. Moderna will not identify all batches and/or lots of these starting materials and/or intermediates. Moderna objects to this Interrogatory as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this Action, at least with respect to "the parties to whom . . . the batch and/or lot was manufactured" and any "transfer" of batches. Plaintiffs have not established the relevance of at least these activities to any claims or defenses in this Action. Moderna objects to this Interrogatory as being overbroad, unduly burdensome, and calling for information not proportional to the needs of this case at least with respect to "the parties to whom or by whom the batch and/or lot was . . . distributed, transferred, shipped, administered and/or used; where that . . . distribution, shipment, administration and/or use occurred; and the dates on which that . . . distribution, shipment, administration and/or use occurred." Hundreds of millions of doses of Moderna's COVID-19 vaccine have been administered. Plaintiffs have provided no justification for requiring Moderna to undergo the enormous task of tracing when, where, and by whom each of those doses was distributed, shipped, administered and/or used. Moderna objects to this Interrogatory as vague and ambiguous at least as to the terms "intermediate batches," "transfer," "transferred," "source," "other final drug product," and "disposition," which are not defined. Moderna objects to this Interrogatory to the extent it seeks a specific location "where [the] manufacturing, sale, offer for

sale, distribution, transfer, shipment, administration and/or use occurred." Subject to Moderna's General and Specific objections, Moderna will identify whether any of the relevant activity occurred within the US or outside the US. Plaintiffs have not established why any greater level of detail is relevant to any of the claims or defenses in this Action or proportional to the needs of this Action. Moderna objects to this Interrogatory to the extent it seeks information related to the identity of manufactured lots and/or batches that were not made, used, offered for sale, or sold within the United States or imported into the United States. Moderna objects to this Interrogatory as consisting of multiple discrete subparts that separately count towards Plaintiffs' total permissible number of interrogatories under Fed. R. Civ. P. 33. At least Plaintiffs' requests for "the genealogy of the batch and/or lot," "the parties to whom or by whom the batch and/or lot was manufactured, sold, offered for sale, distributed, transferred, shipped, administered and/or used," "the dates on which that manufacturing, sale, offer for sale, distribution, transfer, shipment, administration and/or use occurred" and the extensive financial information[2] "associated with the batch and/or lot" each count as separate subparts.

Subject to the General and Specific Objections, Moderna responds to the non-objectionable scope of this Interrogatory as follows:

Pursuant to Fed. R. Civ. P. 33(d), the following portions of Moderna's regulatory submissions identify batch information about Moderna's mRNA-1273 Drug Product and mRNA-1273 Lipid Nanoparticle: MRNA-GEN-00018712; MRNA-GEN-00034493; MRNA-GEN-00038148; MRNA-GEN-00038969; MRNA-GEN-00044097. Pursuant to Fed. R. Civ. P. 33(d),

[2] "[I]dentify the unit sales, revenues, gross profit, net profit, average unit sales price to end users, average unit sales price to distributors (if any), list price to end users, list price to distributors (if any), cost of goods sold (including identification of the items included in cost of goods sold), and operating costs (*i.e.*, other costs not included in cost of goods sold, such as selling, general, and administrative expenses) associated with the batch and/or lot."

Moderna will produce non-privileged documents sufficient to show all batches and/or lots of mRNA-1273 Drug Product and all batches and/or lots of mRNA-1273 Lipid Nanoparticle.

Moderna's investigation is ongoing and Moderna reserves the right to supplement, revise, or amend Moderna's Response to this Interrogatory as discovery and Moderna's investigation in this Action proceed. Moderna is willing to meet and confer with Plaintiffs regarding any remaining scope.

First Supplemental Response to Interrogatory No. 11 (December 15, 2023):

Moderna incorporates its objections to this Interrogatory as if fully set forth in response to this Interrogatory. Moderna responds as follows:

Pursuant to Fed. R. Civ. P. 33(d), Moderna identifies the following documents from which additional information responsive to the non-objectionable scope of this Interrogatory can be derived or ascertained: MRNA-GEN-00456085; MRNA-GEN-00456086; MRNA-GEN-00456360–6630.

Pursuant to Fed. R. Civ. P. 33(d), Moderna further identifies MRNA-GEN-00939821, which includes information concerning the disposition of drug product batches of the Accused Product that were made in the U.S. or imported into the U.S. The following abbreviations are used in the

[redacted]

Moderna's investigation is ongoing and Moderna reserves the right to supplement, revise, or amend Moderna's Response to this Interrogatory as discovery and Moderna's investigation in this Action proceed.

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December 15, 2023

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2023, copies of the foregoing were caused to be served upon the following in the manner indicated:

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